

110TH CONGRESS  
2D SESSION

# H. R. 6689

To restore Federal recognition to the Chinook Nation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2008

Mr. BAIRD introduced the following bill; which was referred to the Committee  
on Natural Resources

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## A BILL

To restore Federal recognition to the Chinook Nation, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; FINDINGS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Chinook Nation Restoration Act”.

6       (b) FINDINGS.—Congress finds the following:

7               (1) The Chinook Nation made a significant con-  
8       tribution to the historic journey of Meriwether Lewis  
9       and William Clark to the Pacific Ocean by hosting  
10      the two American explorers and their company  
11      throughout the winter of 1805–1806.

1           (2) The United States subsequently recognized  
2           the Chinook Nation as an Indian tribe in the Anson  
3           Dart (Tansy Point) Treaty of 1851, and the Isaac  
4           Stevens (Chehalis River) Treaty of 1855, but neither  
5           treaty was ratified, resulting in serious harm to the  
6           Chinook people.

7           (3) As a result of the failure of the United  
8           States to protect the Chinook Nation and people, the  
9           Chinooks lost their historic lands on the Columbia  
10          River, and a great number of them succumbed to  
11          poverty and disease in the 19th century.

12          (4) It was the intent of Congress in the Act of  
13          March 4, 1911 (36 Stat. 1345), to provide restitu-  
14          tion to the Chinook people in the form of allotments  
15          of land on existing Indian reservations, which the  
16          Supreme Court of the United States upheld in  
17          Halbert v. United States (283 U.S. 753 (1931)).

18          (5) Congress named four of the five tribes of  
19          the Chinook Nation, the Lower Chinook,  
20          Wahkiakum, Cathlamet, and Clatsop, in the Western  
21          Oregon Termination Act of 1954, and this Act is the  
22          only basis for termination of the Federal relationship  
23          with the Tribe.

24          (6) The Chinook Nation has remained active on  
25          the Lower Columbia River and Willapa Bay in the

1 vicinity of the reservation area of the Tansy Point  
2 Treaty and is well-known to neighboring tribes and  
3 other communities.

4 (7) The Chinook people have survived and  
5 maintained their language, Chinookwawa, and cul-  
6 ture despite decades of neglect by the United States.

7 (8) With different Administrations disagreeing  
8 about the legal status of the Chinook Nation, it is  
9 time for Congress to restore the Chinook Nation to  
10 Federal tribal status.

11 **SEC. 2. DEFINITIONS.**

12 For the purposes of this Act, the following definitions  
13 apply:

14 (1) MEMBER.—The term “member” means an  
15 enrolled member of the Chinook Nation as of the  
16 date of enactment of this Act, or an individual who  
17 has been placed on the membership role in accord-  
18 ance with this Act.

19 (2) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Interior.

21 (3) TRIBE.—The term “Tribe” means the Chi-  
22 nook Indian Nation, composed of the Lower Chi-  
23 nook, Wahkiakum, Cathlamet, Clatsop, and Willapa  
24 Tribes.

1           (4) STATE.—The term “State” means the State  
2       of Washington.

3           (5) STATE TERRITORIAL WATERS.—The term  
4       “State territorial waters” means all waters within  
5       the territorial limits of the State of Washington.

6       **SEC. 3. FEDERAL RECOGNITION.**

7       Federal recognition is hereby extended to the Chi-  
8       nook Indian Nation. Except as otherwise provided in this  
9       Act, all laws and regulations of the United States of gen-  
10      eral application to Indians, and nations, tribes, or bands  
11      of Indians, including the Act of June 18, 1934 (25 U.S.C.  
12      461 et seq.), that are not inconsistent with any specific  
13      provision of this Act shall be applicable to the Tribe and  
14      its members.

15      **SEC. 4. FEDERAL SERVICES AND BENEFITS.**

16      (a) IN GENERAL.—The Tribe and its members shall  
17      be eligible, on and after the date of the enactment of this  
18      Act, for all services and benefits provided by the Federal  
19      Government to federally recognized tribes without regard  
20      to the existence of a reservation for the Tribe or the loca-  
21      tion of the residence of any member on or near any Indian  
22      reservation.

23      (b) SERVICE AREA.—For purposes of the delivery of  
24      Federal services to enrolled members of the Tribe, the  
25      Tribe’s service area shall consist of Pacific, Wahkiakum,

1 Cowlitz, and Clark Counties, Washington, and Clatsop  
2 and Columbia Counties, Oregon.

3 (c) CIVIL JURISDICTION.—Upon approval of the con-  
4 stitution and bylaws pursuant to section 6 of this Act, the  
5 Nation shall exercise jurisdiction over all its members who  
6 reside within the service area located in the State in mat-  
7 ters pursuant to the Indian Child Welfare Act of 1978  
8 (25 U.S.C. 1901 et seq.) as if the members were residing  
9 upon a reservation as defined in that Act.

10 **SEC. 5. MEMBERSHIP.**

11 Not later than 9 months after the date of the enact-  
12 ment of this Act, the Tribe shall submit to the Secretary  
13 a membership roll consisting of all individuals enrolled in  
14 the Tribe.

15 **SEC. 6. CONSTITUTION AND GOVERNING BODY.**

16 (a) CONSTITUTION.—

17 (1) ADOPTION.—Not later than 1 year after the  
18 date of the enactment of this Act, the Tribe shall  
19 conduct, by secret ballot, an election to adopt a con-  
20 stitution and bylaws for the Tribe.

21 (2) INTERIM GOVERNING DOCUMENTS.—Until  
22 such time as a new constitution is adopted under  
23 this section, the governing documents in effect on  
24 the date of the enactment of the Act shall be the in-

1        interim governing documents for the Tribe most re-  
2        cently submitted to the Department of the Interior.

3        (b) OFFICIALS.—Not later than 6 months after the  
4 Tribe adopts a constitution and bylaws pursuant to this  
5 section, the Tribe shall elect a governing body in accord-  
6 ance with the procedures set forth in its constitution and  
7 bylaws. Until such time as a new governing body is elect-  
8 ed, the governing body of the Tribe shall be the governing  
9 body selected under the election procedures specified in  
10 the interim governing documents of the Tribe.

11 **SEC. 7. LAND IN TRUST.**

12        (a) REQUIREMENT TO TAKE LAND INTO TRUST.—  
13 If the Tribe transfers all right, title, and interest in and  
14 to any land to the Secretary, the Secretary shall take such  
15 land in trust for the benefit of the Tribe, subject to sub-  
16 section (c). This subsection does not limit the authority  
17 of the Secretary to take land in trust under the Indian  
18 Reorganization Act.

19        (b) PLAN FOR ESTABLISHMENT OF RESERVATION.—

20                (1) IN GENERAL.—The Secretary shall—

21                        (A) negotiate with the tribal governing  
22                        body with respect to establishing a reservation  
23                        for the Tribe; and

1 (B) not later than two years after the date  
2 of enactment of this Act, develop a plan for es-  
3 tablishment of a reservation.

4 (2) CONSULTATION WITH STATE AND LOCAL  
5 OFFICIALS REQUIRED.—To assure that legitimate  
6 State and local interests are not prejudiced by the  
7 proposed establishment of the reservation, the Sec-  
8 retary shall notify and consult with all appropriate  
9 officials of the State and all owners of land adjacent  
10 to lands considered for the proposed reservation in  
11 developing any plan under this subsection. The Sec-  
12 retary shall provide complete information on the pro-  
13 posed plan to such officials, including the restric-  
14 tions imposed by subsection (c). During any con-  
15 sultation by the Secretary under this subsection, the  
16 Secretary shall provide such information as the Sec-  
17 retary possesses and request comments and addi-  
18 tional information on the following subjects:

19 (A) The size and location of the proposed  
20 reservation.

21 (B) The anticipated effect of the establish-  
22 ment of the proposed reservation on State and  
23 local expenditures and tax revenues.

1           (C) The extent of any State or local service  
2           to the Tribe, the reservation, or members after  
3           the establishment of the proposed reservation.

4           (D) The extent of Federal services to be  
5           provided in the future to the Tribe, the reserva-  
6           tion, or members.

7           (E) The extent of service to be provided in  
8           the future by the Tribe to members resident on  
9           or off the reservation.

10          (3) RESTRICTIONS ON PLAN.—A plan developed  
11          pursuant to this subsection shall be in accordance  
12          with subsection (c).

13          (4) SUBMISSION OF PLAN.—

14               (A) SUBMISSION TO CONGRESS.—Upon the  
15               approval by the tribal governing body of the  
16               plan developed pursuant to this subsection (and  
17               after consultation with interested parties pursu-  
18               ant to paragraph (2)), the Secretary shall sub-  
19               mit the plan to the Clerk of the House of Rep-  
20               resentatives and the Secretary of the Senate for  
21               distribution to the committees of the respective  
22               Houses of Congress with jurisdiction over the  
23               subject matter.



1 (B) APPENDIX TO PLAN.—The Secretary  
2 shall append to the plan submitted to Congress  
3 under this subsection a detailed statement—

4 (i) describing the manner in which the  
5 Secretary notified all interested parties in  
6 accordance with this subsection;

7 (ii) naming each individual and offi-  
8 cial consulted in accordance with this sub-  
9 section;

10 (iii) summarizing the testimony re-  
11 ceived by the Secretary pursuant to any  
12 such consultation; and

13 (iv) including any written comments  
14 or reports submitted to the Secretary by  
15 any party named pursuant to clause (ii).

16 (c) RESTRICTIONS ON LAND TAKEN IN TRUST.—

17 (1) Any real property transferred by the Tribe  
18 or any member to the Secretary shall be taken and  
19 held in the name of the United States for the benefit  
20 of the Tribe.

21 (2) The Secretary shall not accept any real  
22 property in trust for the benefit of the Tribe that is  
23 not located within the political boundaries of Pacific,  
24 Wahkiakum, or Cowlitz County, Washington.

1           (3) Any real property taken in trust by the Sec-  
2       retary for the benefit of the Tribe shall be—

3           (A) subject to—

4                 (i) all legal rights and interests in  
5                 such land existing at the time of acquisi-  
6                 tion of such land by the Secretary, includ-  
7                 ing any lien, mortgage, or previously levied  
8                 and outstanding State or local tax; and

9                 (ii) foreclosure or sale in accordance  
10                with the laws of the State pursuant to the  
11                terms of any valid obligations in existence  
12                at the time of the acquisition of such land  
13                by the Secretary; and

14           (B) exempt from Federal, State, and local  
15       taxation of any kind.

16       (4) Any privately owned lands acquired by the  
17       Tribe or its members to be taken in trust by the  
18       Secretary for the benefit of the Tribe shall be ac-  
19       quired on a willing-seller, willing-buyer basis.

20       (5) No eminent domain authority may be exer-  
21       cised for the purposes of acquiring lands for the ben-  
22       efit of the Tribe.

1 **SEC. 8. FISHING, HUNTING, AND TRAPPING RIGHTS NOT**  
2 **RESTORED.**

3 No nonceremonial fishing, hunting, or trapping rights  
4 of any nature of the Tribe or of any member of the Tribe,  
5 including any indirect or procedural right or advantage  
6 over individuals who are not members, are granted or re-  
7 stored under this Act. Ceremonial hunting and fishing  
8 rights (not to include whaling) shall be allowed in the area  
9 in which the Tribe has historically hunted and fished.

10 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to carry out  
12 this Act, \$2,000,000 for fiscal year 2010, \$3,000,000 for  
13 fiscal year 2011, and \$4,000,000 for fiscal year 2012.

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